



**ENVIRONMENTAL ASSESSMENT DECISION NOTICE**  
**for the**  
**Fleecer WMA Grazing Lease Renewal**

**Montana Fish, Wildlife & Parks**  
**Region 3, Bozeman**  
**February 26, 2010**

**Preface**

The enclosed Decision Notice has been prepared to maintain a coordinated rest-rotation grazing program on Fleecer Wildlife Management Area (WMA) near Divide, MT, for a 3-year term to extend April 2010 through October 2012. The program, which began in 1982 and has been in effect in its current format since 1987, consists of a spring grazing exchange agreement of 500 Animal Unit Months (AUM) with Smith 6 Bar S Livestock and a separate fall fee-grazing agreement (94 AUM) with Smith 6 Bar S Livestock and Russel Dupuis.

The proposed grazing program would encompass 3,700 acres owned by FWP and 875 acres that FWP leases from Montana Department of Natural Resources and Conservation (DNRC). In addition, 1,920 acres owned by Smith 6 Bar S Livestock and 640 acres that Smith 6 Bar S Livestock leases from DNRC would also be incorporated into the Fleecer WMA Coordinated Grazing System. Total acreage involved would be 7,135 acres.

The Fleecer WMA Coordinated Grazing System allows for landscape level management of elk winter range across ownerships and has demonstrated the compatibility of livestock production and wildlife/recreation-based economies over the past 27 years.

**Public Process and Comments**

FWP is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. In compliance with MEPA, an Environmental Assessment (EA) was completed for the proposed project by FWP and released for public comment on December 18, 2009.

The following three alternatives were considered in this Environmental Assessment:

Alternative A: Renewal of both the spring and fall grazing leases on Fleecer WMA.

Alternative B: Renewal of only the spring or only the fall grazing lease on Fleecer WMA.

Alternative C: Elimination of livestock grazing on the Fleecer WMA.

Public comments were taken for 30 days (through January 16, 2010). Legal notices were printed in the *Montana Standard* (Butte) and the *Leader* (Anaconda). The Environmental Assessment was also posted on the FWP webpage: <http://fwp.mt.gov/publicnotices/>.

Nineteen parties submitted comments over the 30-day comment period ending at 5:00 p.m. on January 16, 2010. Of the nineteen respondents, ten represented themselves while nine represented the following organizations or agencies: Montana Stockgrowers Association, Beaverhead-Deerlodge National Forest, Yellowstone Buffalo Foundation, Coalition for State Public Land Access, Beaverhead Outdoors Association, Western Watersheds Project, Gallatin Wildlife Association, Montana Wildlife Federation, and from the law firm Doney, Crowley, Bloomquist, Payne, UDA P.C, representing the Smith family.

Of the nineteen respondents, five stated support for Alternative A; seven supported maintaining the grazing program on Fleecer as it currently is but did not specify which alternative they supported (implied support for Alternative A); three stated support for Alternative C; and four respondents did not specify support for any of the alternatives (though support for Alternative C was implied by one of them).

Following is a summary of the comments received regarding the grazing lease renewal on Fleecer Wildlife Management Area and FWP's response to them.

#### Support for Alternative A

The following reasons have been given in support of continuing the spring and fall grazing leases on Fleecer WMA:

- This proactive approach to resource management will continue to build strong working relationships with landowners and in turn, landowners will likely reciprocate by allowing significant habitat and hunter days to the hunting community on private lands.
- By implementing Alternative A, livestock producers and FWP can work cooperatively to achieve resource and wildlife goals that otherwise would not be attainable.
- The continuance of the spring and fall grazing leases will not only have environmental benefits, but economic and social benefits as well.
- Continuance of the spring and fall grazing leases should provide the most flexibility for future management of the area across ownerships and will help to hold or reduce any further expansion of non-native plants.
- Grazing will reduce ground fuel in case of fire, utilize vegetative resource, and be a source of revenue for FWP.
- Continuing the grazing program on Fleecer WMA benefits ranchers and the local community in general.
- The Smiths (6 Bar S Livestock) are good land stewards who understand the importance of weed control and have set forth good grazing practices, whether on private or public land, all of which ultimately benefits the Fleecer WMA and keeps it productive for both wildlife and cattle.
- Proper grazing rotations increase big game habitat, generate revenue for FWP, and support livestock producers.

Some of the parties that stated support for continuing the grazing program as it currently exists on the Fleecer WMA also raised a few concerns. The following is a summary of those concerns and FWP's response to them:

- One respondent stated that FWP should consider changing to Holistic Land Management as described by Allen Savory.

*FWP response: FWP recognizes that there are a variety of methods to manage wildlife habitat with livestock grazing. FWP feels that the current grazing program on Fleecer WMA is meeting the objectives of the program as described on page 3 of the Environmental Assessment, and therefore a change of program is not warranted at this time.*

- One respondent stated that they would like to see more than periodic monitoring of vegetation for range conditions.

*FWP response: Vegetation monitoring of habitat conditions on Fleecer WMA is described on page 8 of the EA. The current monitoring program is consistent with protocols adopted by FWP botanists and utilized on all WMAs across the state.*

- One respondent stated that there was not enough information given on vegetation trends and its impacts to all wildlife, not just elk. Further, they stated support for more comprehensive management to include nongame monitoring. Additionally, they stated that there was a lack of comprehensive trend data on impacts to riparian habitats.

*FWP response: It is the intent of FWP to be comprehensive in its management and monitoring of all wildlife. Toward this end, FWP hired a native species biologist for Region 3 in March 2009. One of the duties of this biologist will be to conduct in-depth surveys of small mammals, birds, reptiles, and amphibians on WMAs within the region in order to address some of the current uncertainties of nongame use of these areas. Baseline surveys on Fleecer WMA are scheduled to occur during summer 2010, and will be repeated approximately every 3 years. Rigorous monitoring will follow a statistically sound sampling protocol that has been developed and intensively employed by Montana Natural Heritage Biodiversity Monitoring Program. The objectives of this monitoring effort are: 1) to more comprehensively document species occupancy of the WMA at the landscape level, and (2) to evaluate species occupancy and diversity between habitats and grazing treatments. Results from these surveys will allow FWP to determine if and how the landscape level grazing practice influences nongame wildlife.*

*Regarding impacts to riparian habitats, FWP acknowledges the need to include additional permanent photo points in riparian areas to monitor long-term trends and will put those in place in summer 2010. Currently, field observations suggest temporary and minor impacts to riparian vegetation when cattle are in that pasture and for a short duration (one growing season) afterwards.*

- Two respondents, one of which supported Alternative C, commented on the use of equivocal terms in the EA, such as “may”, “likely” and “expected”, and how such terms do not provide a level of confidence for the public. The request was made to provide as much data as is available when the public is being asked to comment on management actions on publicly funded WMAs that are being managed for the Public Trust.

*FWP response: FWP acknowledges the concern and will make a greater effort in future environmental analyses to be more definitive, when possible, and use data, where available, in predicting outcomes of various management actions. While FWP’s wildlife biologists are committed to managing wildlife populations and habitat using the best available science, we also recognize that such data is not always available and certain factors, particularly environmental, are not always predictable and therefore, the use of equivocal terms are sometimes unavoidable.*

### Support for Alternative C

The following summarizes comments that were received from respondents that clearly supported elimination of livestock grazing on Fleecer WMA, along with comments received from one respondent that implied support for Alternative C:

- One respondent stated that he/she favors wildlife on state public lands and suggested that FWP keep for-profit private cows on private ranches or federal public lands where little public hunting occurs. *FWP's response: FWP respects the opinion of the respondent; however, a point of clarification is warranted. In the Fleecer area, a significant amount of hunting does occur on both the WMA and the adjacent Forest Service. In fact, depending on weather conditions and elk movements, most hunting takes place above the WMA, on Forest Service land. Additionally, the neighboring Smith 6 Bar S property is enrolled in FWP's Block Management Program and provides several hundred hunter days annually.*
- One respondent stated his/her support for Alternative C because he/she favored increased hunting and wildlife watching on the WMA. *FWP's response: Section III – 1, Alternative C, on page 14 of the Environmental Assessment describes the potential impacts to access and recreation if livestock grazing were eliminated from Fleecer WMA. To reiterate, FWP believes that complete elimination of livestock from the WMA may increase hunting and wildlife watching opportunities on Fleecer WMA in the short-term but that over time, habitat quality across the winter range may suffer, leading to a decrease of elk on the WMA during hunting season and winter, thereby decreasing hunting, wildlife viewing and horn-hunting opportunities.*
- One respondent supports Alternative C because interior fencing could be removed if livestock grazing were eliminated on Fleecer WMA. He/she also states that fences could be destructive to antelope in particular. *FWP's response: FWP agrees that fences can be destructive to wildlife in general, and antelope in particular. Fences that are erected on WMAs, including those on Fleecer WMA, meet the required specifications to be "wildlife friendly", i.e. 3- or 4-strand wire fences with the top wire no higher than 42" from the ground and the bottom wire at least 18" from the ground. Often, the bottom wire is smooth, rather than barbed, to allow the easy passage of calves and fawns. In addition, wildlife gates have been built into the Fleecer WMA fencing. These gates remain open during the winter and when pastures are not in use by livestock in order to allow unobstructed movement of big game.*
- One respondent stated support for Alternative C because it would eliminate wolf and bear killing of domestic livestock, presumably on the WMA. *FWP's response: There have been no confirmed losses of livestock to wolves or bears on Fleecer WMA since at least 1997. However, there have been several confirmed cases of livestock depredation by wolves on private land adjacent to the WMA in the past several years.*
- One respondent stated support for Alternative C because soils, vegetation and riparian zones will be maintained at good or better condition. *FWP's response: Impacts to soil and vegetation for each alternative were addressed in the Environmental Assessment.*
- One respondent encouraged FWP to reconsider this Environmental Assessment to include bison re-introduction on the WMA as an alternative. However, he/she also realizes that FWP will need to have a

bison conservation strategy adopted before this alternative could be considered. Therefore, he/she recommends that FWP consider the impacts of this alternative in three years when this lease is up for renewal and if a statewide bison conservation strategy is in place by then. The respondent feels that bison on Fleecer WMA, rather than livestock, is more consistent with FWP's mission to manage WMAs for wildlife.

*FWP's response: The respondent is correct that a statewide bison conservation strategy adopted by the FWP Commission must first be in place before an alternative to put free-ranging bison on any WMA can be considered.*

- One respondent stated that the Environmental Assessment presents inadequate analysis of costs and benefits of continued grazing. Specifically, that Table 2 on page 6 of the draft EA does not separate out costs associated with grazing versus non-grazing operations and maintenance costs of the WMA, does not include FWP administration/personnel costs for the grazing program, and does not account for inflation nor provide estimates for 2010 costs.

*FWP's response: Of the expenses and costs listed in Table 2, item 1 has been incurred due to livestock grazing on the WMA. Most of Item 3 has also been incurred due to livestock grazing on the WMA; however, a certain portion of this fencing expense is for maintaining and replacing boundary fencing, which would need to happen whether livestock grazing occurs on the WMA or not, in order to keep trespass livestock off the WMA. Items 2 and 4 are not costs associated with livestock grazing on the WMA.*

Table 2. Operation and maintenance costs for Fleecer WMA, 1988-2009.

| <b>Expenses</b>                                   | <b>Costs</b>     |
|---|------------------|
| 1. DNRC Annual Pasture Agreement (7yrs x \$25/yr) | \$175            |
| 2. Road maintenance                               | \$59,800         |
| 3. Fencing  | \$139,735        |
| 4. Weed Spraying                                  | \$1,995          |
| <b>Total Costs</b>                                | <b>\$201,705</b> |

*These are the direct costs of allowing livestock grazing on Fleecer WMA. It should be noted that in the absence of this grazing program, especially the spring grazing exchange with the adjacent Smith 6 Bar S Ranch, that much of these costs would be redirected toward providing game damage assistance to the Smith's. The current grazing exchange program has helped to greatly reduce requests for game damage assistance in the 27 years that the coordinated Fleecer grazing program has been in place.*

*Regarding personnel and administrative costs, it is estimated that on an annual basis the implementation of the grazing program on Fleecer WMA takes on average approximately 5 days of the wildlife biologist's time, 1 day of the statewide grazing coordinator's time, 1 day of the Region 3 wildlife manager's time, 3 days of the design engineer's time (when there is a grazing-related maintenance project), and 3 days of a seasonal technician's time. Outside of these estimates, the amount of time to conduct this Environmental Assessment has been approximately 18 days of the biologist's time, 2 days of the statewide grazing coordinator's time, 2 days of the Region 3 wildlife manager's time, 2 days of Region 3 supervisor's time, and 4 days of administrative assistant time.*

*It is correct that neither the expenses nor the revenue tables (Appendix B in the EA) account for inflation. Projected estimates for 2010 operations and maintenance costs on Fleecer WMA associated with livestock grazing is a portion of \$10,000, for replacing and removing old fencing along the south*

*boundary of the WMA. This fence will keep Fleecer lessees' livestock on the WMA and will keep out trespass livestock on the adjacent private property.*

- One respondent stated that the impacts of grazing on riparian habitat on the Fleecer WMA is not clearly explained, especially with respect to data collected at the vegetation exclosures. Also, he/she stated that there is an inconsistency with data shown in Appendix D and the number of transects stated in text, with respect to the exclosures, and that there is insufficient evaluation of the vegetation data and photo points.

*FWP's response: The Mitchell Gulch exclosure, located at the south end of the WMA, includes some riparian habitat, in addition to sagebrush / grassland and basin wildrye grassland. However, the focus of monitoring on this site is the characteristics of sagebrush. The Water Gulch exclosure is located on a knoll within bluebunch wheatgrass cover type, and therefore is not designed to monitor long-term trends in riparian vegetation. As explained in a previous response, FWP recognizes the need to create permanent photo points in riparian areas to monitor long-term trends, and will put those in place in summer 2010.*

*The report presented in Appendix D gives the average of percent canopy cover by plant lifeform, across all transects within and all transects outside each exclosure on Fleecer WMA. Thus, only four sets of values are given (in- and outside for each Water Gulch and Mitchell Gulch exclosures). However, FWP would like to make a correction to the text of the EA. On page 8 it states that there are two transects within and two transects outside each exclosure. This should be corrected to read that there are four permanent transects within and four permanent transects located outside each exclosure.*

*Since there currently is only one year's worth of results from the vegetation exclosure monitoring (conducted in 2006), it is not possible to provide a quantifiable assessment at this time. However, over time, as data is collected approximately every 5 years, which is a professionally accepted interval to measure vegetative response, more statistically rigorous assessments can be conducted. Although qualitative in nature, permanent photo points indicate that rest-rotation grazing on Fleecer WMA over the past 20+ years has maintained or improved the amount of species composition of vegetation and has helped to restore overused range conditions to those more amenable to wildlife populations.*

- One respondent stated that the Environmental Assessment did not include any assessment of impacts to grazing on private and federal lands, especially riparian areas, despite the landscape goal of vegetation quality across ownerships. In addition, he/she stated that the EA did not include any information on elk use of private or federal lands.

*FWP's response: While the goal of the coordinated Fleecer grazing program is to increase and maintain vegetative quality on behalf of wildlife across ownerships, including private and federal lands, it is outside the scope of this EA and the responsibility of FWP to conduct assessments on land which the state does not own. However, field observations of both private and Forest Service lands show that habitat quality is high on both. Additionally, elk use of lands under all three ownerships during the winter and spring suggest that habitat quality is sufficient for meeting wintering big game needs. Flight reports and ground observations collected by the Butte area wildlife biologist corroborate this statement.*

- One respondent stated that the assertion made in the EA on page 7 that elk numbers "might" decline in the long term if the grazing program were not continued, is not justified by any evidence or discussion in the EA. Furthermore, the respondent points out that according to the table presented in

Appendix E, the number of elk observed on Fleecer WMA appears to fluctuate in concert with the total number of elk observed in Hunting Districts 319 and 341, suggesting hunting pressure more than the grazing program on the WMA is responsible for shifts in the number of elk observed on the WMA. Lastly, he/she points out that the numbers of elk observed on Fleecer did not decline during 1962-1982 when the WMA was not grazed by livestock.

*FWP's response: Since Fleecer Mountain is the primary winter range for elk in Hunting District 319 and a portion of elk in Hunting District 341, it is true that the number of elk observed on Fleecer during annual winter surveys fluctuate in concert with total numbers of elk observed throughout both hunting districts. Additionally, the number of elk observed during any given winter can also be tied to hunting success the previous fall.*

*It is true that the number of observed elk on Fleecer did not decline during 1962-1982 when livestock did not graze the WMA (refer to table on page 36 of the EA). In fact, the total number of observed elk in Hunting Districts 319 and 341 increased 32% during 1964-1982, from 389 to 511 observed elk. During the period 1987-2003, while the coordinated Fleecer coordinated program was in place, elk numbers increased 31%, from 1,453 to 1,918 observed elk in both hunting districts combined, with total numbers of elk 3-4 times greater during the period of coordinated grazing than during the earlier, non-grazing period. FWP supports the fact that the coordinated grazing program directly helped to improve winter range habitat, resulting in an overall increase in elk numbers in the area.*

- One respondent stated that the results of having the 6 Bar S Ranch enrolled in the Block Management Program have not been presented in this Environmental Assessment, therefore providing no opportunity to evaluate it as a benefit to hunters of the grazing program.

*FWP's response: The 6 Bar S Ranch's enrollment in the Block Management program is not part of the grazing lease agreement and therefore is outside the scope of this assessment. The Smiths have voluntarily been enrolled in the program since it began and over the past four years, the ranch property enrolled in the program has provided an average of 689 hunter days annually.*

- One respondent requested clarification on the cited reference, Frisina 1992. Specifically, when was elk use of pastures on the Mount Haggin WMA measured, and to what was it compared?

*FWP's response: Elk use of pastures on Mount Haggin WMA rest-rotation grazing system was measured during July and August, and as weather permitted during May and early June 1984-1985. Use was not measured during the winter since this portion of the WMA does not contain winter range. Elk distribution during each of the two time periods was compared between years. For more details of this study, please refer to: Frisina, M. 1992. Elk habitat use within a rest-rotation grazing system. Rangelands 14:94-96.*

- One respondent questions whether continuation of these grazing leases will be in accordance with the Fleecer WMA Management Plan, which is currently being updated and is expected to be completed by Summer 2010.

- FWP's response: Livestock grazing as a management tool for the benefit of wildlife and its habitat, will continue to be part of the management plan for Fleecer WMA, as the updated document will reflect.

- One respondent states that the accounting of costs and benefits listed in the Environmental Assessment does not accurately reflect the benefit the state derives from the Smith's private property ownership in the area and adjacent to Fleecer WMA, nor the costs to Smiths for providing wildlife habitat

on all 5,000 acres of their ranch, not just the 1,920 deeded acres and 640 State lease acres indicated in this EA.

*FWP's response: The accounting given in this EA accurately reflects the measurable expenses and income to FWP as a result of participating in this cooperative grazing program. While FWP recognizes the Smiths as being good stewards on all their land, only the acres of private deeded land and State leased land listed on page 1 of the EA are included in this program. Any further assessment of lands outside this agreement or to the economic impacts to Smith 6 Bar S Livestock are beyond the scope of this Environmental Assessment.*

- One respondent stated that the grazing impacts by wildlife are not addressed in this Environmental Assessment.

*FWP's response: The scope of this EA is to evaluate the impacts of renewing a grazing lease for livestock grazing on Fleecer WMA. Evaluation of the impacts of wildlife grazing on the WMA is outside the scope of this EA.*

- One respondent stated that if livestock grazing on Fleecer WMA were eliminated, the Smiths would still follow Best Management Practices on their private property, thereby causing an economic impact to their ranching operation as they would be forced to reduce cattle stocking numbers while still feeding wildlife. At some point, the economic viability of the Smith operation would become questionable, resulting in the sale of private property to out-of-state interests or subdivision, both of which would negatively impact wildlife and habitat, both in the short- and long-term.

*FWP's response: While FWP acknowledges that the suggested sale of the Smith property would have negative impacts to wildlife and habitat, assessment of the economic impacts to Smith 6 Bar S Livestock is beyond the scope of this Environmental Assessment.*

#### Unclear which alternative is supported

The following summarizes comments that were received from respondents that did not make clear their support for any of the alternatives proposed nor did they appear to imply support for a specific alternative. FWP's responses to those comments are also given.

- One respondent suggested that the top wire should be removed from federal highway fences so that elk and deer migrating from the Humbug Spires to historical winter range on Fleecer Mountain will have wide access to cross and will avoid traffic jams and reckless shooting during the hunting season. This respondent also suggested that warning signs be erected along this stretch of highway to prevent collisions.

*FWP's response: FWP sees the merit of this suggestion; however, it is beyond the scope of this Environmental Assessment.*

- One respondent suggested that FWP should manage all WMAs first for the production of wildlife and secondly for the private commercial production of livestock. Furthermore, FWP should not commingle public land grazing and management of forage for wildlife.

*FWP's response: FWP agrees that our management of WMA's should focus on the conservation of wildlife populations and not on the commercial production of livestock. The grazing system that has been in place on Fleecer WMA since 1982 does not contradict this. This system was designed to benefit wildlife, particularly elk, by using livestock grazing as a management tool on the WMA. Also through the cooperative grazing program between private and public land (both Forest Service and FWP), wildlife*

*again benefits by having winter range managed across the landscape, regardless of ownership, thus increasing the amount of available quality habitat beyond that which only the WMA provides. Stocking rates on both the spring and fall grazing leases on Fleecer WMA are much lighter than they would be if the WMA were being managed for cattle production.*

- One respondent commented that the information given on predators in the Fleecer area is insufficient, especially with respect to the low populations of elk, deer, and moose that were reported in the Environmental Assessment. This respondent further commented that predators could cause big game to move from an area as well as contribute to further decreases in population size.

*FWP's response: FWP agrees with the potential impacts of predators on big game distribution and population size. While those impacts are being considered as part of game species management in Hunting Districts 319 and 341, assessment of those impacts as it pertains to the grazing program on Fleecer are outside the scope of this Environmental Assessment.*

- One respondent commented that he/she doesn't think adaptive management for deer is working in Southwest Montana and that FWP biologists need to collect field data in more hunting districts.

*FWP's response: This comment is beyond the scope of this Environmental Assessment.*

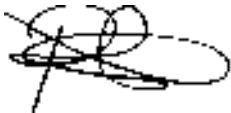
### **Final Environmental Assessment**

Slight modifications to the Draft Environmental Assessment have been made as noted in the FWP response to comments above. The Draft Environmental Assessment, together with this Decision Notice, will serve as the final document for this proposal.

### **Decision**

Based on the Environmental Assessment and public comment, it is my decision to approve the implementation of Alternative A for renewal of both the spring and fall grazing leases on Fleecer WMA.

I find there to be no significant impacts on the human and physical environments associated with this project. Therefore, I conclude that the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required.



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Patrick J. Flowers  
Region 3 Supervisor  
Montana Fish, Wildlife & Parks

Date

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2/25/2010